

and extreme western Nebraska" (RIN1018-AE87) received on October 12, 2000; to the Committee on Environment and Public Works.

EC-11142. A communication from the Assistant Secretary, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final determination of critical habitat for the Alameda whipsnake (*Masticophis lateralis euryxanthus*)" (RIN1018-AF98) received on October 12, 2000; to the Committee on Environment and Public Works.

EC-11143. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey" received on October 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11144. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications; Inseason Adjustments of Loligo Squid annual specifications" received on October 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11145. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting" received on October 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11146. A communication from the Director of the Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reservists Education: Monthly Verification of Enrollment and Other Reports" (RIN2900-AI68) received on October 11, 2000; to the Committee on Veterans' Affairs.

EC-11147. A communication from the Office of the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC-11148. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 11, 2000; to the Committee on Governmental Affairs.

EC-11149. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerances for Emergency Exemptions" (FRL #6742-9) received on October 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11150. A communication from Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1724, Electric Engineering, Architectural Services and Design Policies and Procedure" (RIN0572-AB54) received on October 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11151. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the re-

port of the transmittal of the certification of the proposed issuance of an export license relative to Hong Kong; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-628. A resolution adopted by the National Conference of Lieutenant Governors relative to a national dialogue on long term car financing reform; to the Committee on Finance.

POM-629. A concurrent resolution adopted by Legislature of the Assembly of the State of Ohio relative to the funding of the employment security system; to the Committee on Appropriations.

H. CON. RES. NO. 60

Whereas, Employers pay a federal tax under the Federal Unemployment Tax Act (FUTA), 53 Stat. 183 (1939), 26 U.S.C.A. 3301, as a payroll tax that produces revenue dedicated solely to use in the federal-state employment security system; and

Whereas, These employers' payroll taxes pay for administering the employment security system, providing veterans' reemployment assistance, and producing labor market information to assist in matching workers' skills with the employment needs of employers; and

Whereas, Congressional appropriations do not return dollar-for-dollar funds to states, despite adequate availability of funds from dedicated employer taxes, and only thirty-nine cents of every dollar of FUTA taxes paid by Ohio employers is returned to Ohio for dedicated employment security purposes; and

Whereas, Congressional appropriations do not provide adequate, predictable resources and have not kept pace with the fixed costs of operating the employment security system, administering the employment security system, providing veterans' reemployment assistance, and producing labor market information; and

Whereas, The Ohio General Assembly has been forced to provide state general revenue funding to maintain quality service and make technological enhancements because of the unavailability of FUTA tax revenue dedicated for this purpose; now therefore be it

Resolved, That the General Assembly of the State of Ohio urges the Congress of the United States to propose and pass legislation to return adequate funding to states to fund the employment security system, ensuring a fair return to employers for the FUTA taxes they pay; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001" (Rept. No. 106-499).

By Mr. CAMPBELL, from the Committee on Appropriations:

Report to accompany S. 2900, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106-500).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 3031: A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes (Rept. No. 106-501).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 3030: A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes (Rept. No. 106-502).

By Mr. ROBB, from the Committee on Finance:

Report to accompany H.R. 4868, a bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes (Rept. No. 106-503).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 3190. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. TORRICELLI:

S. 3191. A bill to create a Federal drug court program, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 3192. A bill to provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 3193. A bill to amend section 527 of the Internal Revenue Code of 1986 to exempt State and local political committees from required notification of section 527 status; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 3194. A bill to designate the facility of the United States Postal Service located at 431 George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office"; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 3195. A bill to establish the United States Open Society Commission; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. BAYH, Mr. REID, and Mr. INOUE):

S. 3196. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3197. A bill to amend the Child Nutrition Act of 1966 to increase the minimum amount available to States for State administrative expenses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3198. A bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMPSON:

S. 3199. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities; to the Committee on Finance.

By Mr. KERREY (for himself, Mr. SANTORUM, Mr. MOYNIHAN, Mr. GRASSLEY, and Mr. BREAUX):

S. 3200. A bill to amend the Social Security Act to provide each American child with a KidSave Account, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. COCHRAN, and Mr. MOYNIHAN):

S. 3201. A bill to rename the National Museum of American Art; considered and passed.

By Mr. BIDEN:

S. 3202. A bill to amend title 18, United States Code, with respect to biological weapons; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3203. A bill to make certain corrections in copyright law; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3204. A bill to make certain corrections in copyright law; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3205. A bill to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. LEVIN, Mr. CONRAD, and Mr. REID):

S. Res. 371. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski; to the Committee on Governmental Affairs.

By Mr. LOTT (for Mr. GRAMS (for himself and Mr. BROWNBAC)):

S. Res. 372. A resolution expressing the sense of the Senate with respect to United Nations General Assembly Resolution 1322; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. MOYNIHAN, Mr. ROBB, Mr. COCHRAN, Mr. KERREY, and Mr. MILLER):

S. Res. 373. A resolution recognizing the 225th birthday of the United States Navy; to the Committee on Armed Services.

By Mrs. MURRAY (for herself and Mr. WARNER):

S. Res. 374. A resolution designating October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. DODD, Mr. HELMS, Mr. DEWINE, and Mr. GRAHAM):

S. Res. 375. A resolution supporting the efforts of Bolivia's democratically elected gov-

ernment; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. Res. 376. A resolution expressing the sense of the Senate that the men and women who fought the Jasper Fire in the Black Hills of South Dakota should be commended for their heroic efforts; considered and agreed to.

By Mr. BROWNBAC (for himself and Mr. TORRICELLI):

S. Con. Res. 150. A concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. AKAKA (for himself and Mr. LEVIN):

S. 3190. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protection, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

WHISTLEBLOWER PROTECTION ACT

Mr. AKAKA. Mr. President, as the ranking member of the Federal Services Subcommittee, I am pleased to introduce legislation to amend the Whistleblower Protection Act, WPA, one of the cornerstone of our nation's good government laws. Enacted in 1989, the WPA is intended to protect federal employees from workplace retaliation when disclosing waste, fraud, or abuse. The law was passed unanimously in 1989, and strengthened through amendments in 1994, again with unanimous support of both houses of Congress. I am joined today by Senator LEVIN, who was a primary sponsor of the landmark 1989 Act and the 1994 amendments.

A key goal of the Whistleblower Protection Act was to close the loopholes that had developed under prior law. Back in 1978, Congress passed the Civil Service Reform Act, which included statutory whistleblower rights that elevated certain disclosures to absolute protection due to their public policy significance. The 1978 Act protected "a" disclosure evidencing a reasonable belief of specified misconduct, with certain listed statutory exceptions—classified or other information whose release was specifically barred by other statutes. Despite statutory language, the Federal Court of Appeals, the Merit Systems Protection Board, and the Office of Special Counsel—all created in 1978 to investigate and adjudicate the WPA—appeared to interpret the law as discretionary rather than absolute.

This removed the law's foundation. Congress, in 1978, had intended to create absolute categories of protection to end the inherent chilling effect in constitutional balancing tests that required employees to guess whether they were covered by the First Amendment. Congress sought to eliminate the confusion by resolving the balance in

favor of free speech rights for serious misconduct listed in the statute. Unfortunately, the Federal Circuit and administrative agencies did not respect this mandate and created loopholes based on factors irrelevant to the public, such as whether an employee had selfless motives or was the first to expose particular misconduct.

As a result, a cornerstone of the Whistleblower Protection Act was to close these loopholes that arose under prior law by amending protection of "a" disclosure to "any" disclosure which meets the law's standards. The purpose was to clearly prohibit any new exceptions to the law's coverage. Only Congress has that authority. Again, however, in both formal and informal interpretations of the Act, loopholes continued to proliferate.

Congress responded to this reluctance to abide by congressional intent through the passage of the 1994 amendments. The Governmental Affairs Committee report on the amendments rebutted prior interpretations by the Federal Circuit, the Merit Systems Protection Board, and the Office of Special Counsel that there were exceptions to "any." The Committee report concluded, "The plain language of the Whistleblower Protection Act extends to retaliation for 'any disclosure,' regardless of the setting of the disclosure, the form of the disclosure, or the person to whom the disclosure is made."

I am pleased to note that since the enactment of the 1994 amendments, both the Office of the Special Counsel and the Merit Systems Protection Board generally have honored congressional boundaries. However, the Federal Circuit continues to disregard clear statutory language that the Act covers disclosures made to supervisors, to possible wrongdoers (Horton v. Dept. of Navy 66 F.3d 279, 1995), or as part of their job duties. (Willis v. Dept. of Agriculture, 141 F.3d 1139, 1998).

In order to protect the statute's cornerstone that "any" lawful disclosure evidencing significant abuse is covered by the Whistleblower Protection Act, our bill would codify the repeated and unconditional statements of congressional intent and legislative history. It would amend sections 2302(b)(8)(A) and 2302(b)(8)(B) of title 5, U.S.C. to protect any disclosure of information. This would be without restriction to time, place, form, motive or context, made to any audience unless specifically excluded in section 2302(b)(8) by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, which the employee or applicant reasonably believes evidences any violation of any law, rule, or regulation, or other misconduct specified in section 2302(b)(8). These include gross waste, gross mismanagement, abuse of authority, or a substantial and specific danger to public